

City Council Agenda

Amended Agenda

Council Member Caprioglio will be attending the Council meeting via teleconference for the 5pm Prop 218 Public Hearing and related action from:

Conoco Gas Station
90 Lone Mountain Trail
Big Sky, MT 59716

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Bruce Rudd

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

August 15, 2013

1:30 P.M. ROLL CALL

Invocation by Pastor Mike Bruton of the Northeast Assembly of God

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of 'RICHARD LLEWELLYN DAY' – Mayor's Office and All Councilmembers

Proclamation of "FRESNO BIBLE QUIZ TEAM DAY" – Mayor's Office and All Councilmembers

Proclamation for "FRANK DIAZ DAY" - Mayor's Office and All Councilmembers

Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (*Reception immediately following - 2nd floor foyer*)

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least 24 hours prior to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of July 25, 2013

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - Of consideration to revise the rate and method of apportioning the special tax and establishing a new special tax for Final Tract Map No. 5358, Annexation No. 31 of the City of Fresno Community Facilities District No. 11 (*Property located in District 2*) (North side of W. Spruce Avenue, between N. Riverside Drive and N. Thiele Avenue); and setting the public hearing for September 26, 2013 at 10:15 a.m. – Public Works Department

Action Taken:

- B. Authorize the Chief of Police to enter into an agreement for Community Outreach Services with West Fresno Faith Based Organization for \$35,000 and execute any related written amendment consistent with the terms of the agreement and subject to approval as to legal form by the City Attorney – Police Department

Action Taken:

- C. Authorize the Chief of Police to amend this agreement with "The Studio" to provide a one-year extension from July 1, 2013 through June 30, 2014 for the purpose of continuing a Health and Fitness Program for the Police Department – Police Department

Action Taken:

- D. Authorize the Chief of Police to enter into an agreement dated July 1, 2013, with Central Unified School District to provide two (2) School Resource Officers at 100% of the actual cost of the officers, administrative fees and the operation and maintenance costs of two (2) patrol vehicles for a total of \$259,680.00 – Police Department

Action Taken:

- E. * **RESOLUTION** - 5th amendment to Annual Appropriations Resolution (AAR) No. 2013-98 appropriating \$40,000 into the fiscal year 2014 budget for the Fresno Police Department's Homeland Security Grant Program (*Requires 5 affirmative votes*) – Police Department

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- F. Approve lease agreement between the City of Fresno and Hands On Central California for use of the Historic Water Tower located at Fresno and "O" Streets – City Manager's Office
Action Taken:
- G. Approve the Fresno Workforce Investment Act Local Strategic Workforce Plan Program Years 2013-2017 - City Manager's Office
Action Taken:
- H. Approval of an agreement and encroachment permit between the City of Fresno and the Board of Trustees of the California State University for the installation of two (2) cameras to be used for monitoring by the University Police Department (***Property located in District 4***) – Public Works Department
Action Taken:
- I. Actions pertaining to the approval of Final Map of Tract No. 5903 (***Property located in District 6***) – Public Works Department
1. **RESOLUTION** - Approving the Final Map of Tract No. 5903 and accepting the dedicated public uses offered therein
Action Taken:
 2. Authorize the Director of Public Utilities or designee to execute the covenant for special solid waste disposal services on behalf of the City
Action Taken:
 3. Authorize the Development and Resource Management Director or designee to execute the covenant deferring eligible development impact fees to the time of occupancy on behalf of the City
Action Taken:
- J. **RESOLUTION** - Authorizing submittal of grant application and acceptance of up to \$221,355 to the California Department of Resources Recycling and Recovery (CalRecycle) beverage container recycling grant program - PARCS
Action Taken:
- K. Actions pertaining to the approval of Final Map of Tract No. 5273 (***Property located in District 6***) – Public Works Department
1. **RESOLUTION** - Approving the Final Map of Tract No. 5273 and accepting the dedicated public uses offered therein
Action Taken:
 2. Authorize the Public Works Director or designee to execute the subdivision agreement including addendum for rights of way acquisition on behalf of the City
Action Taken:
 3. Authorize the Director of Public Utilities or designee to execute the covenant for special solid waste disposal services on behalf of the City
Action Taken:
 4. Authorize the Fire Chief of the Fire Department or designee to execute the covenant for emergency access facilities on behalf of the City
Action Taken:
 5. Authorize the Development and Resource Management Director or designee to execute the covenant deferring eligible development impact fees to the time of occupancy on behalf of the City
Action Taken:
- L. Award requirements contracts for concessionaire services at three (3) City park sites - PARCS
Action Taken:
- M. Approve amendment to City Clerk employment contract and authorize the Council President to sign the contract on behalf of the City – Council Offices
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- N. **Actions pertaining to the League of California Cities 115th Annual Conference – Council President Xiong**
1. Approve designation of Councilmember Clint Olivier as a voting delegate, and Councilmember Paul Caprioglio as a voting alternate for the Annual Business Meeting on September 20, 2013
Action Taken:
 2. Authorize City delegate to vote in support of the proposed resolutions.
Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. **Actions pertaining to the sale of land located west of Clovis Avenue and south of Air Corp Way – Airports Department**
1. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15312/Class 12 (Surplus Property Government Sales) of the CEQA Guidelines, for the sale of land located west of Clovis Avenue and south of Air Corp Way
Action Taken:
 2. Authorize interim actions relating to the sale of Fresno Yosemite International Airport (FYI) owned property to Don Pickett and Associates, Inc., a California Corporation and/or Assignee (Buyer), with staff to return to Council for final sale approval
Action Taken:
- B. **Actions pertaining to review of the cost based rate adjustment for Commercial Solid Waste - Department of Public Utilities**
1. Authorize consultant agreement with HF&H Consultants LLC., relating to the review of the cost based rate adjustment for Commercial Solid Waste (CSW) and related issues not to exceed a total of \$110,000 and authorize the Director of Public Utilities or designee to execute the appropriate documents
Action Taken:
 2. * **RESOLUTION** - 6th amendment to Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$110,000 for the review of the cost based rate adjustment for Commercial Solid Waste (CSW) **(Requires 5 affirmative votes)**
Action Taken:
- C. **Actions pertaining to the Clovis Unified School District (CUSD) Metropolitan Area Network Phase 3 project – (Property located in Districts 2, 4, 5, 6) - Public Works Department**
1. Adopt Finding of a Categorical Exemption per staff determination, pursuant to Sections 15301, 15303 and 15304 of the CEQA Guidelines, for the Clovis Unified School District (CUSD) Metropolitan Area Network Phase 3 project
Action Taken:
 2. Award a construction contract in the amount of \$1,984,253.27 to Kertel Communications Inc DBA Sebastian of Fresno California for the base bid of the CUSD Metropolitan Area Network Phase 3 project
Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

D. **Actions pertaining to Community Housing Development Organization Agreement with Habitat for Humanity – Development and Resource Management Department**

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15332 of CEQA Guidelines for the Community Housing Development Organization Agreement with Habitat for Humanity

Action Taken:

2. Authorize an \$845,000 HOME Investment Partnerships Program Community Housing Development Organization Agreement with Habitat for Humanity Fresno, Inc., (“Habitat”) for acquisition of nine vacant parcels and construction of nine affordable single-family houses to be located at 4713, 4714 and 4719 E. Belgravia Avenue, and 2370, 2374, 2378, 2382, 2386 and 2390 S. Laval Avenue (A.P.N.s: 480-214-01, 480-214-02, 480-215-01, 480-215-02, 480-215-03, 480-215-04, 480-215-05, 480-215-06, and 480-215-07), in southeast Fresno

Action Taken:

E. **Actions pertaining to the water service transfers in the vicinity of Gettysburg and Wishon Avenues project (Property located in the County of Fresno) – Public Works Department**

1. Adopt Finding of Categorical Exemption, per staff determination pursuant to Section 15302(c) Class of the CEQA Guidelines(Existing Utility Systems) for the water service transfers in the vicinity of Gettysburg and Wishon Avenues project – Public Works Department

Action Taken:

2. Award a contract in the amount of \$619,119.63 to West Valley Construction Company of San Jose, California, for the water service transfers in the vicinity of Gettysburg and Wishon Avenues, and authorize the Public Works Director or designee to sign the contract on behalf of the City

Action Taken:

3. **CITY COUNCIL**

4. **CLOSED SESSION**

A. **CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6**

City Negotiator(s): Kenneth Phillips, Jeffrey T. Cardell

Employee Organizations:

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753 (Fire Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753 (Fire Management)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M. **HEARING** to consider of Plan Amendment Application No. A-12-005; Rezone Application No. R-12-007; and, related environmental findings filed by Chris Klierer of Yamabe & Horn Engineering, Inc. on behalf of Lennar Fresno, Inc. for approximately 2.328 acres of property located on the west side of N. Armstrong Avenue between E. Ashlan and E. Dakota Avenues (**Property located in District 4**) – Development and Resource Management Department

Action Taken:

- a. Consider the Mitigated Negative Declaration prepared for Environmental Assessment No. A-12-005/R-12-007/T-6028/UGM dated May 28, 2013

Action Taken:

- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the McLane Community Plan for the subject property from the low density residential planned land use designation to the medium density residential land use designation

Action Taken:

- c. **BILL – (For introduction and adoption)** - Amending the Official Zone Map to rezone the subject property from the R-A/UGM (Single Family Residential Agricultural/Urban Growth Management) to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district

Action Taken:

2:15 P.M. * **Consideration of Policy and Procedure G-004, titled “Wireless Telecommunications Facilities” (Citywide)** Development and Resource Management Department

- a. Consider the Finding of No Possibility that the project will have impacts on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines

Action Taken:

- b. * **RESOLUTION** – Approving Policy and Procedure No. G-004, Wireless Telecommunications Facilities

Action Taken:

2:30 P.M. **WORKSHOP** on The Fresno County Assessor’s Office, presented by Mr. Paul Dictos, Fresno County Assessor - Council President Xiong

4:30 P.M. #1 **CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) (**Property located in District 5**) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department

Action Taken:

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken:

- c. **RESOLUTION** – Declaring election results

Action Taken:

- d. * **BILL - (For introduction and adoption)** - Levying a special tax for the property tax year 2013-2014 and future years with and relating to Community Facilities District No. 11, Annexation No. 49

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:30 P.M. #2** **Actions pertaining to the approval of Final Map of Tract No. 5932 (*Property located in District 5*) – Public Works Department**
- a. **RESOLUTION** - Approving the Final Map of Tract No. 5932 and accepting the dedicated public uses offered therein
 Action Taken:
 - b. Authorize the Public Works Director or designee to execute the subdivision agreement and the covenant for the maintenance of certain improvements under Community Facility District No. 11 on behalf of the City
 Action Taken:
 - c. Authorize the Development and Resource Management Director or designee to execute the covenant deferring eligible development impact fees to the time of occupancy on behalf of the City
 Action Taken:
- 5:00 P.M.** **PUBLIC HEARING to consider adopting proposed new and increase of water rates under Proposition 218 – Department of Public Utilities**
- Action Taken:**
- a. Protest Hearing on the proposed water rates
 Action Taken:
 - b. **RESOLUTION** – Ratifying the Proposition 218 process according to California Constitution Article XIID and adopting proposed water rates under a four year water rate plan
 Action Taken:
 - c. * **RESOLUTION-** 514th amendment to the Master Fee Schedule Resolution No. 80-420 to adjust water fees in the Public Utilities Water Fee Section
 Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug. 22 –	10:00 A.M.	RESOLUTION - Authorizing the City to join the Statewide Community Infrastructure Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments within the territory of the City of Fresno and approving form of acquisition agreement for use when applicable
Aug. 22 –	1:30 P.M.	HEARING re: Rezone Application No. R-12-001, filed by Joe Guagliardo
Aug. 29 –	10:00 A.M.	HEARING re: Text Amendment Application No. TA-13-003 adding uses in commercial recreation District
Aug. 29 –	10:05 A.M.	HEARING re: Text Amendment Application No. TA-13-004 extending time on CUP's
Aug. 29 –	10:15 A.M.	HEARING to consider adoption of resolution related to the designation of the Lake Moon Company Building (Kogetsu-Do Building) located at 920 F St. -- (Property located in District 3)
Aug. 29 –	4:00 P.M.	HEARING re: Street Name Change No. SNC-2010-002 to rename Martin Avenue, between E. California Ave. and Merced Street, to Elder JD Adams Ave. (Property located in District 3)
Sept. 5 -	COUNCIL VACATION	
Sept. 12 -	8:30 A.M.	MEETING
Sept. 12 -	10:00 A.M.	HEARING re: Plan Amendment Application No. A-11-05, Rezone Application No. R-11-006, filed by Bill Robinson of Sol Development on behalf of Jensen Ranch
Sept. 12 -	10:15 A.M.	TEFRA HEARING for Saint Agnes Hospital
Sept. 19 -	NO MEETING	
Sept. 26 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 51 (Final Tract Map No. 6037) (Council District 2) (North east corner of N. Garfield and W. Barstow Avenues)
Sept. 26 -	10:15 A.M.	HEARING to adopt resolutions and ordinance to revise the rate and method of apportionment of the Special Tax and authorizing the levy a new Maximum Special Tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 31
Sept. 26 -	10:30 A.M.	HEARING re: Rezone Application No. R-12-009, filed by Ron Wathen

UPCOMING EMPLOYEE CEREMONIES

Oct. 23 – (Weds.)	2:00 P.M.	Employee Service Awards Ceremony (Reception immediately following - 2nd floor foyer)
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